



## SENATE JOINT RESOLUTION No. 22

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### DIGEST OF INTRODUCED RESOLUTION

**Citations Affected:** Articles 5, 6, 8, and 15 of the Constitution of the State of Indiana.

**Synopsis:** Removing certain offices from the Constitution. Removes the offices of secretary of state, the treasurer of state, and the superintendent of public instruction from the Constitution. Removes the offices of circuit court clerk, county recorder, county treasurer, county coroner, and county surveyor from the Constitution. Removes the Section of the Constitution that provides for the superintendent of public instruction. This proposed amendment has not been previously agreed to by a general assembly.

**Effective:** This proposed amendment must be agreed to by two consecutive general assemblies and ratified by a majority of the state's voters voting on the question to be effective.

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**Young R Michael**

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January 14, 2008, read first time and referred to Committee on Local Government and Elections.

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PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2007 Regular Session of the General Assembly.

## SENATE JOINT RESOLUTION No. 22

A JOINT RESOLUTION proposing an amendment to Articles 5, 6, 8, and 15 of the Constitution of the State of Indiana concerning state and local administration.

*Be it resolved by the General Assembly of the State of Indiana:*

- 1 SECTION 1. The following amendment to the Constitution of the
- 2 State of Indiana is proposed and agreed to by this, the One Hundred
- 3 Fifteenth General Assembly of the State of Indiana, and is referred to
- 4 the next General Assembly for reconsideration and agreement.
- 5 SECTION 2. ARTICLE 5, SECTION 10 OF THE CONSTITUTION
- 6 OF THE STATE OF INDIANA IS AMENDED TO READ AS
- 7 FOLLOWS: Section 10. (a) In case the Governor-elect fails to assume
- 8 office, or in case of the death or resignation of the Governor or the
- 9 Governor's removal from office, the Lieutenant Governor shall become
- 10 Governor and hold office for the unexpired term of the person whom
- 11 the Lieutenant Governor succeeds. In case the Governor is unable to
- 12 discharge the powers and duties of the office, the Lieutenant Governor
- 13 shall discharge the powers and duties of the office as Acting Governor.



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(b) Whenever there is a vacancy in the office of Lieutenant Governor, the Governor shall nominate a Lieutenant Governor who shall take office upon confirmation by a majority vote in each house of the General Assembly and hold office for the unexpired term of the previous Lieutenant Governor. If the General Assembly is not in session, the Governor shall call it into special session to receive and act upon the Governor's nomination. In the event of the inability of the Lieutenant Governor to discharge the powers and duties of the office, the General Assembly may provide by law for the manner in which a person shall be selected to act in the Lieutenant Governor's place and declare which powers and duties of the office such person shall discharge.

(c) Whenever the Governor transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives the Governor's written declaration that the Governor is unable to discharge the powers and duties of the office, and until the Governor transmits to them a written declaration to the contrary, such powers and duties shall be discharged by the Lieutenant Governor as Acting Governor. Thereafter, when the Governor transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives the Governor's written declaration that no inability exists, the Governor shall resume the powers and duties of the office.

(d) Whenever the President pro tempore of the Senate and the Speaker of the House of Representatives file with the Supreme Court a written statement suggesting that the Governor is unable to discharge the powers and duties of the office, the Supreme Court shall meet within forty-eight hours to decide the question and such decision shall be final. Thereafter, whenever the Governor files with the Supreme Court the Governor's written declaration that no inability exists, the Supreme Court shall meet within forty-eight hours to decide whether such be the case and such decision shall be final. Upon a decision that no inability exists, the Governor shall resume the powers and duties of the office.

(e) Whenever there is a vacancy in both the office of Governor and Lieutenant Governor, the General Assembly shall convene in joint session forty-eight hours after such occurrence and elect a Governor from and of the same political party as the immediately past Governor by a majority vote of each house. If either house of the General Assembly is unable to assemble a quorum of its members because of vacancies in the membership of that house, the General Assembly shall convene not later than forty-eight hours after a sufficient number of the vacancies are filled to provide a quorum of members for that house.

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(f) An individual holding one (1) of the following offices shall discharge the powers and duties of the governor if the office of governor and the office of lieutenant governor are both vacant, in the order listed:

(1) The speaker of the house of representatives.

(2) The president pro tempore of the senate, if the office described in subdivision (1) is vacant.

~~(3) The treasurer of state, if the offices described in subdivisions (1) and (2) are vacant.~~

~~(4) (3) The auditor of state, if the offices described in subdivisions (1) through (3) and (2) are vacant.~~

~~(5) The secretary of state, if the offices described in subdivisions (1) through (4) are vacant.~~

~~(6) The state superintendent of public instruction, if the offices described in subdivisions (1) through (5) are vacant.~~

**(4) Any other state officers as provided by law.**

(g) An individual's authority to discharge the governor's powers and duties under subsection (f) ends when the general assembly fills the office of governor under this section.

SECTION 3. ARTICLE 5, SECTION 14 OF THE CONSTITUTION OF THE STATE OF INDIANA IS AMENDED TO READ AS FOLLOWS: Section 14. (a) Every bill which shall have passed the General Assembly shall be presented to the Governor. The Governor shall have seven days after the day of presentment to act upon such bill as follows:

(1) ~~He~~ **The Governor** may sign it, in which event it shall become a law.

(2) ~~He~~ **The Governor** may veto it:

(A) In the event of a veto while the General Assembly is in session, ~~he~~ **the Governor** shall return such bill, with ~~his~~ **the Governor's** objections, within seven days of presentment, to the House in which it originated. If the Governor does not return the bill within seven days of presentment, the bill becomes a law notwithstanding the veto.

(B) If the Governor returns the bill under clause (A), the House in which the bill originated shall enter the Governor's objections at large upon its journals and proceed to reconsider and vote upon whether to approve the bill. The bill must be reconsidered and voted upon within the time set out in clause (C). If, after such reconsideration and vote, a majority of all the members elected to that House shall approve the bill, it shall be sent, with the Governor's objections, to the other House, by which it shall

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likewise be reconsidered and voted upon, and, if approved by a majority of all the members elected to that House, it shall be a law.

(C) If the Governor returns the bill under clause (A), the General Assembly shall reconsider and vote upon the approval of the bill before the final adjournment of the next regular session of the General Assembly that follows the regular or special session in which the bill was originally passed. If the House in which the bill originated does not approve the bill under clause (B), the other House is not required to reconsider and vote upon the approval of the bill. If, after voting, either House fails to approve the bill within this time, the veto is sustained.

(D) In the event of a veto after final adjournment of a session of the General Assembly, such bill shall be returned by the Governor to the House in which it originated on the first day that the General Assembly is in session after such adjournment, which House shall proceed in the same manner as with a bill vetoed before adjournment. The bill must be reconsidered and voted upon within the time set out in clause (C). If such bill is not so returned, it shall be a law notwithstanding such veto.

(3) ~~He~~ **The Governor** may refuse to sign or veto such bill, in which event it shall become a law without ~~his~~ **the Governor's** signature on the eighth day after presentment to the Governor.

(b) Every bill presented to the Governor ~~which is signed by him that~~ **the Governor signs** or on which ~~he~~ **the Governor** fails to act within ~~said~~ seven days after presentment shall be filed with the ~~Secretary of State~~ **state office provided by law** within ten days of presentment. The failure to so file shall not prevent such a bill from becoming a law.

(c) In the event a bill is passed over the Governor's veto, such bill shall be filed with the ~~Secretary of State~~ **state office provided by law** without further presentment to the Governor, provided that, in the event of such passage over the Governor's veto in the next succeeding General Assembly, the passage shall be deemed to have been the action of the General Assembly which initially passed such bill.

SECTION 4. ARTICLE 6, SECTION 1 OF THE CONSTITUTION OF THE STATE OF INDIANA IS AMENDED TO READ AS FOLLOWS: Section 1. ~~There shall be elected, by~~ The voters of the state ~~a Secretary, shall elect~~ an Auditor ~~and a Treasurer~~ of State, who shall ~~severally, hold their offices~~ **office** for four years. ~~They~~ **The Auditor of State** shall perform such duties as ~~may be enjoined~~ **provided** by law. ~~and no~~ A person ~~shall be eligible to either of said offices, may not serve as Auditor of State for~~ more than eight years

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1 in any period of twelve years.

2 SECTION 5. ARTICLE 6, SECTION 2 OF THE CONSTITUTION  
3 OF THE STATE OF INDIANA IS AMENDED TO READ AS  
4 FOLLOWS: Section 2. (a) There shall be elected, in each county by the  
5 voters thereof, at the time of holding general elections, a ~~Clerk of the~~  
6 ~~Circuit Court~~, Auditor, ~~Recorder~~, ~~Treasurer~~, and a Sheriff, ~~Coroner~~,  
7 and ~~Surveyor~~, who shall ~~severally~~, each hold their offices office for  
8 four years.

9 (b) The General Assembly may provide by law for uniform dates for  
10 beginning the terms of the county officials listed in subsection (a). If  
11 the General Assembly enacts a law to provide a uniform date for  
12 beginning the terms of a county official listed in subsection (a), the  
13 General Assembly may provide that the term of each county official  
14 initially elected after enactment of the law to provide the uniform date  
15 for beginning the terms of the county official is for less than four years  
16 in order to establish a uniform schedule of dates for the beginning of  
17 terms for the office. However, after the initial election for each office,  
18 the term for that office shall be for four years.

19 (c) ~~No~~ A person shall be eligible to the office of may not serve as  
20 ~~Clerk~~, Auditor, ~~Recorder~~, ~~Treasurer~~, or Sheriff or ~~Coroner~~ more than  
21 eight years in any period of twelve years.

22 SECTION 6. ARTICLE 6, SECTION 5 OF THE CONSTITUTION  
23 OF THE STATE OF INDIANA IS AMENDED TO READ AS  
24 FOLLOWS: Section 5. (a) The Governor and the ~~Secretary~~, Auditor  
25 and ~~Treasurer~~ of State shall severally keep the public records, books,  
26 and papers, in any manner relating to their respective offices, at the seat  
27 of government.

28 (b) The Governor shall reside at the seat of government.

29 SECTION 7. ARTICLE 15, SECTION 6 OF THE CONSTITUTION  
30 OF THE STATE OF INDIANA IS AMENDED TO READ AS  
31 FOLLOWS: Section 6. All commissions shall issue in the name of the  
32 State, shall be signed by the Governor, sealed with the State Seal, and  
33 attested by the ~~Secretary of State~~: as provided by law.

34 SECTION 8. THE CONSTITUTION OF THE STATE OF  
35 INDIANA IS AMENDED BY STRIKING OUT ARTICLE 8,  
36 SECTION 8.

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